

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PATRICIA MIXTER)	Civil Action No. 2:12-00790 CRE
)	
on behalf of herself and)	Magistrate Judge Cynthia R. Eddy
all others similarly situated,)	
)	Electronically Filed
Plaintiff,)	
)	
v.)	
)	
VERLAND CLA)	
)	
Defendant.)	

ORDER OF DISMISSAL WITH PREJUDICE

AND NOW this 13th day of November, 2013, following the hearing on November 13, 2013, to review the Settlement Agreement negotiated between the parties and, for the purpose of hearing any objections from class members, and there being no objections, and after full consideration of the Joint Motion for Final Approval of Class Settlement, it is hereby

ORDERED as follows:

1. The Settlement Agreement dated August 20, 2013, is fully and finally approved.

2. This action is certified for purposes of the settlement only as a class action under the Fair Labor Standards Act (FLSA) and the Pennsylvania Minimum Wage Act (PMWA). The class is defined as follows:

All individuals who were employed as Direct Support Professionals (“DSP”) for Verland CLA at some time during the period between June 12, 2009 and June 12, 2012.

3. The Court finds that the Settlement Agreement and its terms are fair, reasonable and adequate settlement of this action, including the class claims, within the meaning of the FLSA and the PMWA and directs that the consummation of the settlement shall be made pursuant to the terms of the Settlement Agreement.
4. The parties are directed to distribute the “class payment” within thirty days of the Effective Date as defined in the Settlement Agreement, and subject to the terms and conditions set forth in the Settlement Agreement, to eligible class members and to direct payment to Class Counsel in accordance with the time frames and other terms and conditions of the Settlement Agreement.
5. If the Effective Date is not reached as per the terms of the Settlement Agreement, no class payment will be due and owing and the Parties will revert to their respective positions as if no settlement had been reached.
6. This action is dismissed with prejudice and in full and final discharge of any and all claims, known or unknown, of any class member who is covered by paragraph 2 of this Order.

7. Plaintiff and all class members are barred from instituting or participating in any class action relating to the non-payment of overtime during the period of time covered by the class settlement.

This Court reserves jurisdiction over this action with respect to any further proceedings concerning the administration or consummation of the Settlement Agreement.

Accordingly, the Clerk is directed to dismiss this action with prejudice as fully and finally resolved.


Cynthia R. Eddy, US Magistrate Judge

cc/ecf: All counsel of record.